



PUBLIC NOTICE

Federal Communications Commission
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Washington, DC 20554

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DA 19-485
June 3, 2019

AUCTION OF 24 GHz UPPER MICROWAVE FLEXIBLE USE SERVICE LICENSES CLOSES

WINNING BIDDERS ANNOUNCED FOR AUCTION 102

Down Payments Due June 17, 2019
FCC Forms 601 and 602 Due June 17, 2019
Final Payments Due July 1, 2019

AU Docket No. 18-85

I. INTRODUCTION

1. On May 28, 2019, the auction of 24 GHz Upper Microwave Flexible Use Service licenses (Auction 102) concluded following the close of bidding in the assignment phase.¹ Auction 102 raised a total of \$2,022,676,752 in net bids (\$2,024,268,941 in gross bids), with 29 bidders winning a total of 2,904 licenses.²

2. By this Public Notice, the Office of Economics and Analytics (OEA), in conjunction with the Wireless Telecommunications Bureau (WTB), announces the results of Auction 102.³ Furthermore, this Public Notice specifies deadlines for payments and the filing of long-form applications, and gives details for other post-auction procedures.

3. We will send to each Auction 102 applicant that became a qualified bidder an email with a link to the location of this Public Notice on the Commission's website. In addition, in the next few days, each qualified bidder will receive a package that includes a copy of this Public Notice, which provides instructions on how to make payments with respect to winning bids, and an envelope for the return of RSA SecurID® tokens used in Auction 102 bidding.

II. AUCTION 102 RESULTS AND PAYMENTS

4. This Public Notice provides auction result summaries and related payment information in Attachments A and B. Attachment A summarizes auction results for each bidder. Attachment B lists, for

¹ Bidding in the clock phase of Auction 102 concluded on April 17, 2019. *Close of Clock Phase Bidding; Information Concerning the Assignment Phase of Auction 102 (24 GHz), Including Schedule for Mock Auction; Availability of Assignment Phase User Guide and Online Tutorial; Assignment Phase Bidding Begins May 3, 2019*, Public Notice, DA 19-298 at 1, para. 1 (OEA/WTB Apr. 17, 2019).

² "Gross bids" refers to the total amount of winning bids at the close of bidding and does not reflect any small business or rural service provider bidding credits claimed by eligible winning bidders that may be awarded after the auction. "Net bids" refers to the total amount of winning bids as adjusted for any small business or rural service provider bidding credits claimed by winning bidders.

³ The results of Auction 101 are announced in the *Auction 101 Results Public Notice. Winning Bidders Announced for Auction of 28 GHz Upper Microwave Flexible Use Service Licenses (Auction 101)*, Public Notice, DA 19-484 (OEA/WTB June 3, 2019).

each bidder, information about the bidder's upfront payment and post-auction payments or refund, as applicable.

A. Summary of Auction Results by Bidder

5. Attachment A to this Public Notice lists each qualified bidder and summarizes each bidder's auction results. For each bidder, Attachment A provides the following information:

- Bidder (the name of the applicant to participate in Auction 102)
- FRN (bidder's FCC Registration Number)
- Bidding Credit Type (small or rural; this is the bidding credit type claimed by the bidder on its FCC Form 175—i.e., small business or rural service provider—and the associated bidding credit percentage)
- Number of Licenses Won (total number of licenses won by the bidder)
- Number of PEAs (total number of PEAs in which the bidder won licenses)
- Gross Payment (aggregate amount of all winning bids by the bidder, including any assignment round payments)
- Net Payment (gross payment less applicable discounts for any bidding credit claimed, subject to applicable caps, if any)

B. Bidder Payments and Refunds

6. Attachment B to this Public Notice lists each qualified bidder and summarizes each bidder's upfront payment and post-auction payments or refund with respect to Auction 102. Specifically, for each bidder, Attachment B provides the following information:

- Bidder (the name of the applicant to participate in Auction 102)
- FRN (bidder's FCC Registration Number)
- Upfront Payment Amount
- Net Payment (Total) (this is the same figure reported in Attachment A, i.e., gross payment amount for all winning bids by the bidder less applicable discounts for any bidding credit claimed, subject to applicable caps, if any)
- Down Payment Amount (20% of Net Payment)
- Additional Amount Due for Down Payment After Upfront Payment Applied – Due by June 17, 2019
- Final Payment Amount (80% of Net Payment)
- Final Balance Due by July 01, 2019 or (Refund) (the Net Payment, minus the Upfront Payment Amount and any Additional Amount Due for Down Payment After Upfront Payment Applied)⁴

⁴ For a non-winning bidder, this amount, equal to its Upfront Payment Amount, will be shown in parentheses and available for refund. For a winning bidder, this amount may equal the Final Payment Amount. However, if the Upfront Payment Amount exceeds the Down Payment Amount, that excess will reduce the Final Balance Due to an amount less than the Final Payment Amount.

C. Results by License

7. Concurrent with the release of this Public Notice, the Commission makes available in the Public Reporting System (PRS) results information for each license won in Auction 102.⁵ This information includes the price for the license as calculated by the auction system (gross and net), the PEA name and number, the frequency block of the license, the name of the winning bidder, and the type and amount of any bidding credit claimed by the bidder. This information may be viewed on screen or downloaded as a comma-separated values (CSV) file.⁶

8. The auction system calculates per-license prices after the close of the assignment phase by first determining a gross price for each license that a bidder won by adding any assignment payment to the final clock phase price. When an assignment payment applies to more than one license, the payment is apportioned to the licenses based on their relative final clock phase prices. For a bidder claiming a bidding credit discount, the net post-auction price is determined by similarly apportioning the bidder's total discount (which may be capped) and subtracting the apportioned amount from the gross license price. Additional information about how per-license prices are calculated is provided in the *Auction 102 Assignment Phase Technical Guide*, available in the "Education" section of the Auction 102 website (www.fcc.gov/auction/102).

III. POST-AUCTION DEADLINES AND PROCEDURES

A. Down Payments – Due Before 6:00 p.m. ET on June 17, 2019

9. The Commission's rules require that within 10 business days after the release of this Public Notice, in this case by **6:00 p.m. Eastern Time (ET) on June 17, 2019**, each winning bidder in Auction 102 must have on deposit with the Commission enough funds to cover the down payment on its winning bid(s).⁷ Specifically, each winning bidder's total amount on deposit must be 20% of the aggregate net amount of its winning bid(s). Any winning bidder whose upfront payment is not sufficient to meet this requirement must deposit additional funds to meet its required down payment.⁸

10. **All down payments must be made by wire transfer as instructed in this Public Notice and must be received in the Commission's account at the U.S. Treasury before 6:00 p.m. ET on June 17, 2019.** The down payment amount due from a particular winning bidder, if any, is set out in the "Additional Amount Due for Down Payment After Upfront Payment Applied – Due by June 17, 2019" column of Attachment B. Note that an additional payment toward the down payment due is necessary only if a winning bidder's upfront payment does not cover the required total down payment (as reflected in Attachment B).

⁵ This file regarding the winning bid and bidder for each license won will not include licenses not assigned to a winning bidder. The Assignment Phase Unassigned Licenses file available in the PRS will contain information about licenses in Auction 102 that were not assigned to a bidder (i.e., licenses still held by the FCC).

⁶ The PRS can be accessed directly at auctiondata.fcc.gov or from a link in the "Results" section of the Auction 102 website (www.fcc.gov/auction/102). The CSV file is accessible via the "Results by License" link in the "Assignment Phase" section of the PRS navigation bar.

⁷ 47 CFR § 1.2107(b); *Auctions of Upper Microwave Flexible Use Licenses for Next-Generation Wireless Services; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auctions 101 (28 GHz) and 102 (24 GHz)*, Public Notice, 33 FCC Rcd 7575, 7658, para. 284 (2018) (*Auctions 101 and 102 Procedures Public Notice*).

⁸ 47 CFR § 1.2107(b).

11. If a winning bidder fails to complete this down payment process consistent with the payment method described in this Public Notice by 6:00 p.m. ET on June 17, 2019, it will be in default.⁹

B. Final Payments – Due Before 6:00 p.m. ET on July 1, 2019

12. Each winning bidder in Auction 102 must submit a payment of the balance of the net payment amount for its winning bid(s), as set out in the “Final Balance Due by July 1, 2019 or (Refund)” column of Attachment B.¹⁰ **This payment must be made by wire transfer as instructed in this Public Notice and must be received in the Commission’s account at the U.S. Treasury before 6:00 p.m. ET on July 1, 2019, to avoid a late fee or default. A late payment after this deadline must be made by wire transfer as instructed in this Public Notice and must be received in the Commission’s account at the U.S. Treasury before 6:00 p.m. ET on July 16, 2019, along with the 5% late fee required by section 1.2109(a) of the Commission’s rules to avoid default.**¹¹ Note that an additional payment toward the final payment due is necessary only if a winning bidder’s upfront payment does not cover the required total down payment and final payment (as reflected in Attachment B).

13. If a winning bidder fails to complete the final payment process consistent with the payment method described in this Public Notice by 6:00 p.m. ET on July 1, 2019 (or by 6:00 p.m. ET on July 16, 2019, along with the 5% late fee), it will be in default.¹²

14. A winning bidder’s request for a tribal lands bidding credit has no effect on the bidder’s obligations to make any auction payments, including down payments and final payments, that are due before the award of the credit.¹³ Thus, a winning bidder’s final payment and any applicable late fees must be paid in full by the due date even if the winning bidder has applied for a tribal lands bidding credit.¹⁴ If a request for a tribal lands bidding credit is approved, the amount of the credit will be calculated and awarded prior to license grant.¹⁵

C. Payment Instructions for Down Payments and Final Payments

15. All down payments and final payments must be made by wire transfer to the Commission’s account at the U.S. Treasury in accordance with the instructions in this Public Notice by the applicable deadline. **We urge winning bidders to pay close attention to the payment instructions we announce here because they differ from instructions provided in past auctions and from upfront payment procedures for this auction.** If a winning bidder has any questions about making a down or final payment, the winning bidder should contact Scott Radcliffe of the Office of the Managing Director’s Revenue & Receivables Operations Group/Auctions at (202) 418-7518, Scott.Radcliffe@fcc.gov, Gail Glasser at (202) 418-0578, Gail.Glasser@fcc.gov, or Theresa Meeks at (202) 418-2945, Theresa.Meeks@fcc.gov, well in advance of the applicable deadlines.

16. All payments must be in U.S. dollars and made in the form of a wire transfer.¹⁶ No checks, credit card payments, automated clearing house (ACH), or other forms of payment will be

⁹ See Section III.D (Default and Disqualification Payments), below.

¹⁰ 47 CFR § 1.2109(a).

¹¹ *Id.*

¹² See Section III.D (Default and Disqualification Payments), below.

¹³ 47 CFR § 1.2110(f)(3)(vi).

¹⁴ *Id.* § 1.2109(a).

¹⁵ *Id.* § 1.2110(f)(3)(vi).

¹⁶ The wire transfer must be initiated by the winning bidder through its bank authorizing the bank to wire.

accepted. Each winning bidder is responsible for ensuring timely submission of its down payment and its final payment, if required. To avoid untimely payments, each winning bidder should discuss arrangements with its financial institution (including the institution's closing schedule) several days before it plans to make the wire transfer, and each should allow sufficient time for the transfer to be initiated and completed prior to the deadline. The Commission repeatedly has cautioned auction participants about the importance of planning ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer.¹⁷

17. Each winning bidder is responsible for obtaining confirmation from its financial institution that its wire transfer to the U.S. Treasury was successful and from Commission staff that each payment was timely received and deposited into the proper account. To receive confirmation from Commission staff, contact Scott Radcliffe at (202) 418-7518, Scott.Radcliffe@fcc.gov, Gail Glasser at (202) 418-0578, Gail.Glasser@fcc.gov, or Theresa Meeks at (202) 418-2945, Theresa.Meeks@fcc.gov.

18. Each payer must include specified information in its wire transfer instructions provided to its bank, as described below. **The Commission no longer requires the submission of a completed FCC Remittance Advice Form (Form 159) with down payments or final payments.**¹⁸ The Commission will credit any such payment based on the information accompanying the wire transfer. To submit funds by wire transfer, the winning bidder must include the following information in its wire transfer instructions:

ABA Routing Number: **021030004**

Receiving Bank: **TREAS NYC**

33 Liberty Street
New York, NY 10045

ACCOUNT NAME: **FCC**

445 12th Street, SW
Washington, DC 20554

ACCOUNT NUMBER: 27000001

Originating Bank Information (OBI Field): (Skip one space between each information item)
"AUCTIONPAY"

APPLICANT FCC REGISTRATION NUMBER (FRN) (use the same FRN as used on the FCC Form 175)

PAYMENT TYPE CODE: ("D102")

APPLICANT NAME AND PHONE NUMBER OR EMAIL ADDRESS

19. In a change of practice from Auction 101, the Commission will not provide a partially-completed Form 159, FCC Remittance Advice Form to each winning bidder that must make a payment to meet its down and/or final payment obligations. Please direct questions concerning the calculation and submission of down payments, final payments, or refunds to Scott Radcliffe at (202) 418-7518, Gail Glasser at (202) 418-0578, or Theresa Meeks at (202) 418-2945. Auctions Accounting Branch staff may also be reached through the FCC Auctions Hotline at (717) 338-2868.

¹⁷ See, e.g., Letter from Margaret W. Wiener, Chief, Auctions and Spectrum Access Div., FCC, to Lee G. Petro, counsel for Four Corners Broadcasting, LLC, 25 FCC Rcd 9046 (WTB 2010); Letter from Margaret W. Wiener, Chief, Auctions and Spectrum Access Div., FCC, to David G. O'Neil, counsel for Spectrum Acquisitions, Inc., 23 FCC Rcd 4765 (WTB 2008); Letter from Margaret W. Wiener, Chief, Auctions and Spectrum Access Div., FCC, to Patrick Shannon, counsel for Lynch 3G Communications Corp., 18 FCC Rcd 11552 (WTB 2003).

¹⁸ Form 159 will continue to be used in future auctions for upfront payments only.

D. Default and Disqualification Payments

20. The Commission imposes payment obligations on bidders that default on payments due after an auction closes and on bidders that are disqualified.¹⁹

21. If a winning bidder defaults or is disqualified after the close of the auction (i.e., fails to remit the required down payment by the specified deadline, fails to submit a timely long-form application, fails to make full payment of the balance of its winning bid(s) by the specified deadline, or is otherwise disqualified for any reason), the defaulting bidder will be subject to the payment obligations described in section 1.2104(g)(2) of the Commission's rules.²⁰ These payment obligations include a deficiency payment and an additional payment amount. The deficiency payment component applies only in the event that the subsequent winning bid the next time a license covering the same spectrum is won in an auction is less than the defaulted bid. The deficiency payment amount is equal to the difference between the amount of the defaulter's bid and the amount of the subsequent winning bid. The additional payment amount is owed by each defaulting bidder and is equal to a percentage of the defaulter's bid or the subsequent winning bid, whichever is less.²¹ The additional default payment for Auction 102 licenses was set at 15% of the applicable bid.²²

22. If a winning bidder fails to remit the required down payment by the June 17, 2019 deadline specified in this Public Notice, the bidder will be deemed to have defaulted, its long-form application will be dismissed, and it will be liable for a default payment as described above.²³

23. If a winning bidder fails to pay the balance of its winning bid in a lump sum by the deadline specified in this Public Notice, it will be allowed to make a late payment within 10 business days after the payment deadline, provided that it also pays a late fee equal to 5% of the amount due.²⁴ If a winning bidder fails to pay (a) the balance due for its winning bid(s) by the payment deadline on July 1, 2019, and (b) the balance of its winning bid(s) plus the late fee by the late payment deadline on July 16, 2019, it will be deemed to have defaulted, and it will be subject to applicable default payments.²⁵

24. The Commission will review an applicant's long-form application (FCC Form 601) only after receipt of full and timely payment for the winning bid(s) and any applicable late fees. The relevant license will be granted only after full and timely payment of any winning bids (and any applicable late fees) and a determination that the long-form application meets Commission requirements for grant.²⁶

25. A bidder that is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, in addition to any other applicable sanctions, may be subject to forfeiture of its upfront payment, down payment, or full bid amount, and may be prohibited from participating in future auctions.²⁷

¹⁹ See 47 CFR §§ 1.2104(g), 1.2109.

²⁰ *Id.* § 1.2104(g)(2); see also *id.* § 1.2109; *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7660, para. 294.

²¹ 47 CFR § 1.2104(g)(2); see also *id.* § 1.2109; *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7660, para. 294.

²² *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7660, para. 295.

²³ 47 CFR §§ 1.2104(g)(2), 1.2109(b).

²⁴ *Id.* § 1.2109(a).

²⁵ *Id.* §§ 1.2104(g)(2), 1.2109(a), (c).

²⁶ See *id.* § 1.2109(a).

²⁷ *Id.* § 1.2109(d).

E. Refund of Excess Payments

26. Upfront payment monies on deposit with the Commission that are in excess of an applicant's Auction 102 obligations will be refunded to the payer of record, as identified on the FCC Form 159 submitted with the applicant's upfront payment, unless that payer submits written authorization instructing otherwise. To receive a refund, an applicant must submit a written refund request with the information indicated in paragraph 27. Each applicant can provide this information by using the FCC auction application system to file its refund information electronically using the **Refund Form** icon found on the *Auction Application Manager* page. After the required information is completed on the blank form, the form should be printed, signed, and submitted to the Commission by fax, email, or mail as instructed below.

27. If you have elected not to access the Refund Form through the *Auction Application Manager* page, the Commission requests that all information listed below be supplied in writing.

Name, address, contact, and phone number of Bank
Automated Clearing House (ACH) ABA Number (Please verify this number with your Bank)
Account Number to Credit
Name of Account Holder
FCC Registration Number (FRN)

The refund request must be submitted by fax to the Revenue & Receivables Operations Group/Auctions at (202) 418-2843, by email to RROGWIREFAXES@fcc.gov, or by mail to:

Federal Communications Commission
Financial Operations
Revenue & Receivables Operations Group/Auctions
Scott Radcliffe
445 12th Street, SW, Room 1-C848
Washington, DC 20554

28. An applicant seeking a refund should verify that the Tax Identification Number (TIN) associated with its FRN is correct by visiting the FCC Registration Number website at <https://apps.fcc.gov/cores> to update its records before submitting a refund request. A refund request related to an FRN with no TIN on file cannot be processed until a TIN is provided.

29. Refund processing generally takes up to two weeks to complete. Any questions concerning refunds should be directed to Scott Radcliffe at (202) 418-7518, Scott.Radcliffe@fcc.gov, Gail Glasser at (202) 418-0578, Gail.Glasser@fcc.gov, or Theresa Meeks at (202) 418-2945, Theresa.Meeks@fcc.gov. Auctions Accounting Branch staff may also be reached through the FCC Auctions Hotline at (717) 338-2868.

F. Post-Auction (Long-Form) License Application (FCC Form 601) – Due Before 6:00 p.m. ET on June 17, 2019

30. Each winning bidder must submit electronically a properly-completed long-form application (FCC Form 601) for all licenses for which it was the winning bidder in Auction 102 before **6:00 p.m. ET on June 17, 2019**.

31. Instructions for completing the long-form application (FCC Form 601) are available on the Auction 102 website (www.fcc.gov/auction/102) in the "Education" section (Instructions for Completing FCC Form 601 and FCC Form 602). These instructions also describe how certain information will be automatically transferred from a winning bidder's short-form application (FCC Form 175) to its long-form application (FCC Form 601). A winning bidder claiming eligibility for a small

business bidding credit or a rural service provider bidding credit must demonstrate its eligibility in its long-form application for the bidding credit claimed.²⁸ Winning bidders organized as bidding consortia must comply with the FCC Form 601 post-auction application procedures set forth in section 1.2107(g) of the Commission's rules.²⁹ For further information regarding long-form application filing requirements, including specific requirements for applicants requesting a bidding credit and for winning bidders organized as consortia, please see the Instructions for Completing FCC Form 601 and FCC Form 602.

32. A winning bidder that fails to submit the required long-form application before the specified deadline in this Public Notice and fails to establish good cause for any late-filed submission shall be deemed to have defaulted and shall be subject to the payments set forth in section 1.2104(g) of the Commission's rules.³⁰

G. Tribal Lands Bidding Credit

33. The Commission has implemented a tribal lands bidding credit to encourage the growth of wireless services on the lands of federally-recognized tribes. A winning bidder that intends to use its license(s) to deploy facilities and to provide services to federally-recognized tribal lands that are unserved by any telecommunications carrier or that have a wireline penetration rate equal to or less than 85% is eligible to receive a tribal lands bidding credit as set forth in sections 1.2107 and 1.2110(f) of the Commission's rules.³¹ A tribal lands bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

34. Unlike other bidding credits that are requested prior to the auction, a winning bidder applies for the tribal lands bidding credit after the auction when it files its FCC Form 601 post-auction application. The winning bidder should file a single separate application for all of the licenses won in the auction for which the winning bidder intends to seek a tribal lands bidding credit. When initially filing this tribal lands bidding credit specific application, the winning bidder will be required to advise the Commission that it intends to seek a tribal lands bidding credit for each license listed on the application by checking the designated box(es). After stating its intent to seek a tribal lands bidding credit, the winning bidder will have 180 days from the close of the post-auction application filing window to amend its application to select the specific tribal lands to be served and to provide the required tribal government certifications. Licensees receiving a tribal lands bidding credit are subject to performance criteria as set forth in section 1.2110(f)(3)(vii) of the Commission's rules.³²

35. For additional information on the tribal lands bidding credit, including how the amount of the credit is calculated, applicants should review the Commission's rulemaking proceeding regarding tribal lands bidding credits and related public notices.³³ For additional information about what a winning

²⁸ *Id.* § 1.2112(b).

²⁹ *Id.* § 1.2107(g); *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7658-59, para. 288; *see also Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures*, Report and Order, 21 FCC Rcd 891, 911-12, paras. 51-52 (2006); *Updating Part 1 Competitive Bidding Rules et al.*, Order on Reconsideration of the First Report and Order; Third Order on Reconsideration of the Second Report and Order; Third Report and Order, 30 FCC Rcd 7493, 7535, para. 101 (2015) (modified by Erratum, 30 FCC Rcd 8518 (2015)).

³⁰ 47 CFR §§ 1.2104(g); *see also id.* § 1.2107(c).

³¹ *Id.* §§ 1.2107, 1.2110(f).

³² *Id.* § 1.2110(f)(3)(vii).

³³ *See generally Extending Wireless Telecommunications Services to Tribal Lands*, Report and Order and Further Notice of Proposed Rule Making, 15 FCC Rcd 11794 (2000); Second Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 4775, 4778-79, para. 10 (2003); Third Report and Order, 19 FCC Rcd 17652 (continued....)

bidder must provide in its long-form application if it wishes to claim the tribal lands bidding credit, please see the Instructions for Completing FCC Form 601 and FCC Form 602.

H. Ownership Disclosure Information Report (FCC Form 602)

36. Pursuant to sections 1.913, 1.919, and 1.2107(f) of the Commission's rules, an applicant for a license offered at auction must, at the time of submitting its FCC Form 601, have on file with the Commission a current ownership disclosure information report (FCC Form 602) that provides the applicant's complete and accurate ownership information.³⁴ As explained in the Instructions for Completing FCC Form 601 and FCC Form 602, filing an ownership disclosure information report (FCC Form 602) is a separate requirement from, and in addition to, the ownership reporting requirements associated with filing an FCC Form 601, Exhibit A.³⁵ A winning bidder should carefully follow the instructions set forth in the Instructions for Completing FCC Form 601 and FCC Form 602 when filing its ownership disclosure report.

I. Maintaining Accuracy of Information

37. Now that Auction 102 has closed, all required changes to an Auction 102 applicant's information must be made by filing or amending the applicant's long-form application (FCC Form 601) in the Commission's Universal Licensing System (ULS).³⁶ With the release of this Public Notice, an Auction 102 applicant is no longer required to continue maintaining the accuracy and completeness of information furnished in its Auction 102 short-form application (FCC Form 175) and exhibits.

J. Application Processing, Petitions to Deny, and License Grant

38. After its initial review of the long-form applications, WTB will issue a public notice listing the applications that are acceptable for filing. Pursuant to section 1.2108(b) of the Commission's rules, interested parties will have 10 days from the release of that public notice within which to file petitions to deny any of these applications.³⁷ An applicant may file an opposition to any petition to deny within five business days after the time for filing petitions to deny has expired.³⁸ Replies must be filed within five business days after the time for filing oppositions to a petition to deny has expired.³⁹ The

(Continued from previous page) _____
(2004); see also *Wireless Telecommunications Bureau Announces Enhancements to the Universal Licensing System to Help Winning Bidders of FCC Auctions File for Tribal Land Bidding Credits*, Public Notice, 16 FCC Rcd 5355 (WTB 2001); *Wireless Telecommunications Bureau Releases Additional Information Regarding the Procedures for Obtaining a Tribal Lands Bidding Credit and List of Tribal Lands*, Public Notice, 15 FCC Rcd 24838 (WTB 2000); *Wireless Telecommunications Bureau Announces Availability of Bidding Credits for Providing Wireless Services to Qualifying Tribal Lands: Tribal Lands Bidding Credits to be Available Beginning in Auction No. 36 (800 MHz Specialized Mobile Radio (SMR) Lower 80 Channels) and in Future Auctions*, Public Notice, 15 FCC Rcd 18351 (WTB 2000). Relevant documents can be viewed on the Commission's website by going to www.fcc.gov/auctions and clicking on the "Tribal Lands Credits" link.

³⁴ 47 CFR §§ 1.913, 1.919, 1.2107(f).

³⁵ The FCC Form 601 ownership reporting requirement can be fulfilled by referencing the file number, date, and name of filer of the appropriate FCC Form 602. See discussion in the Instructions for Completing FCC Form 601 and FCC Form 602.

³⁶ See 47 CFR § 1.65.

³⁷ *Id.* § 1.2108(b).

³⁸ *Id.* § 1.2108(c).

³⁹ *Id.*

Commission reminds all parties and their counsel that the Commission intends to use its authority fully to deter the filing of frivolous pleadings.⁴⁰

39. After the long-form review process is completed, if Commission staff determines that additional payment from an applicant is due, WTB will provide further instructions in a future public notice or by demand letter.⁴¹ If Commission staff determines that an applicant is otherwise qualified and that there are no substantial and material issues of fact, WTB will issue a public notice announcing grant of the license(s) to the applicant.⁴²

IV. OTHER IMPORTANT INFORMATION

A. Continuing Prohibition on Certain Communications

40. We remind applicants that the rules prohibiting certain communications set forth in section 1.2105(c) of the Commission's rules apply to each applicant that filed a short-form application (FCC Form 175) in Auction 101 or Auction 102.⁴³ Section 1.2105(c)(1) provides that, subject to specified exceptions, after the deadline for filing a short-form application, "all applicants are prohibited from cooperating or collaborating with respect to, communicating with or disclosing, to each other or to any nationwide provider [of communications services] that is not an applicant, or, if the applicant is a nationwide provider, any non-nationwide provider that is not an applicant, in any manner the substance of their own, or each other's, or any other applicants' bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements, until after the down payment deadline[.]"⁴⁴ An "applicant" for purposes of this rule includes all "controlling interests" in the entity submitting the FCC Form 175 auction application, as well as all holders of interests amounting to 10% or more of the entity, and all officers and directors of that entity.⁴⁵ For Auctions 101 and 102, a party that submitted an application for either auction is an "applicant" for both auctions under the rule, and that status does not change based on later developments.⁴⁶

41. This prohibition took effect as of the short-form application filing deadline, which for Auctions 101 and 102 was Tuesday, September 18, 2018, at 6:00 p.m. ET, and ends at the post-auction down payment deadline for Auction 102, which is Monday, June 17, 2019 at 6:00 p.m. ET.⁴⁷ **This prohibition applies to all applicants regardless of whether such applicants became qualified bidders, or actually bid in Auction 101 and/or Auction 102.**⁴⁸ For further information on the

⁴⁰ See *Commission Taking Tough Measures Against Frivolous Pleadings*, Public Notice, 11 FCC Rcd 3030 (1996).

⁴¹ Commission staff may determine, for example, that a winning bidder is not entitled to the level of bidding credit that it has claimed and may require an additional payment to cover the amount of any percentage discount for which it was not eligible.

⁴² See 47 CFR §§ 1.2108(d), 1.2109(a).

⁴³ *Id.* § 1.2105(c); see also *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7598, para. 57.

⁴⁴ 47 CFR § 1.2105(c)(1). The Commission identified AT&T, Sprint, T-Mobile, and Verizon Wireless as "nationwide providers" for the purpose of implementing the Commission's competitive bidding rules in Auctions 101 and 102. *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7593, para. 44.

⁴⁵ 47 CFR § 1.2105(c)(5)(i); see also *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7599, para. 59.

⁴⁶ *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7599, para. 59.

⁴⁷ *Id.* at 7599, paras. 60-61; see also 47 CFR § 1.2105(c)(1).

⁴⁸ See, e.g., *Star Wireless, LLC v. FCC*, 522 F.3d 469 (D.C. Cir. 2008) (holding that section 1.2105(c) applies to applicants regardless of whether they are qualified to bid). Thus, an auction applicant that does not correct deficiencies in its application, fails to submit a timely and sufficient upfront payment, or does not otherwise become (continued....)

prohibition, applicants should refer to the *Auctions 101 and 102 Procedures Public Notice* and the *Auction 102 Qualified Bidders Public Notice*.⁴⁹

B. Access to the Bidding System

42. The bidding system for the assignment phase of Auction 102 will remain accessible to qualified bidders until 12:00 p.m. ET on Wednesday, June 5, 2019. Bidders should download any files they wish to save from the bidding system before that time.

C. Return of SecurID® Tokens

43. The SecurID® tokens distributed to qualified bidders are tailored to Auction 102 and will not function in future auctions. The Commission will send each bidder, along with the copy of this Public Notice, a pre-addressed, stamped envelope to return its SecurID® tokens. Each bidder should return its SecurID® token(s) to the Commission for recycling by **June 17, 2019**.

D. Contact Information

44. For further information, contact:

Auction Payment Information

Wire Transfers

Refunds

FCC Auctions Accounting Branch

Scott Radcliffe at (202) 418-7518, Gail Glasser at (202) 418-0578, or Theresa Meeks at (202) 418-2945, or (202) 418-2843 (fax) or email to RROGWireFaxes@FCC.Gov

FCC Auctions Hotline at (717) 338-2868

Licensing Information

Service Rules, Policies, Regulations
Licensing Issues, Engineering Issues
Due Diligence, Incumbency Issues

Filing Forms 601 and 602

Broadband Division, WTB

Madelaine Maior (Attorney) at (202) 418-1466 or
Tim Hilfiger (Engineer) at (717) 338-2578

ULS Support Hotline

(877) 480-3201, option two
(717) 338-2824 (TTY)

Auction 102 Information

General Auction Information, Process, and
Procedures

Auction Rules, Policies, and Regulations

Auctions Division, OEA

FCC Auctions Hotline at (717) 338-2868

Erik Beith (Attorney) at (202) 418-0660

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qualified to bid, remains an “applicant” for purposes of the rule and remains subject to the prohibition on certain communications until the post-auction down payment deadline for Auction 102. *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7599, para. 59 & n.137.

⁴⁹ *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7598-606, paras. 57-84; *Auction of 24 GHz Upper Microwave Flexible Use Service Licenses for Next-Generation Wireless Services; 38 Applicants Qualified to Bid in Auction 102*, Public Notice, DA 19-123 at 10-12, paras. 48-52 (WTB/OEA Feb. 27, 2019) (*Auction 102 Qualified Bidders Public Notice*).

Accessible Formats

Braille, large print, electronic files, or
audio format for people with disabilities

Consumer and Governmental Affairs Bureau

(202) 418-0530 or (202) 418-0432 (TTY)
fcc504@fcc.gov

FCC Internet Sites

www.fcc.gov/auction/102
www.fcc.gov
www.fcc.gov/uls
auctiondata.fcc.gov

News Media

For Press Questions

Wireless Telecommunications Bureau

Cecilia Sulhoff at (202) 418-0587

- FCC -